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10/751,337	01/02/2004	Hans-Gerhard Kortmann	0275M-000845	7611

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EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,337

Applicant(s)

KORTMANN ET AL.

Examiner

Jeffrey Sharp

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is responsive to amendment filed by Applicant on 21 February 2005.

Status of Claims

- [1] Claims 1-23 and 25-30 are pending.
Claims 14-15 and 30 are withdrawn.
Claim 24 is cancelled.

Drawings

- [2] The replacement drawing sheets submitted on 21 February 2005 have been approved and entered by the examiner. Accordingly, all objections to the drawings are withdrawn. Although Figures 3 and 4 appear unclean and hand-sketched, all features disclosed are legible.

Specification

- [3] The amendment to the specification submitted on 21 February 2005 has been approved and entered by the examiner. Accordingly, all other previous objections to the specification are withdrawn.

Claim Objections

- [4] Claims 11, 16, 24, and 26 were previously objected to for informalities:
The amendment to the claims submitted on 21 February 2005 has been approved and entered by the examiner. Accordingly, all previous objections to the claims are withdrawn.

Claim Rejections - 35 USC § 112

- [5] The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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[6] Claims 12, 18, and 20 were previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amendment to the claims submitted on 21 February 2005 has been approved and entered by the examiner. Accordingly, all previous rejections to the claims under 35 U.S.C. 112 are withdrawn.

Response to Arguments

Claim Rejections - 35 USC § 102

[7] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[8] Claims 1-7, 10-13, 16-23, 26, and 29 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Bregenzer et al. GB patent application 2,065,011.

In view of the amendment to the claims submitted on 21 February 2005, Applicant now positively recites the shank to be a 'separate' article of the fastener (e.g., 'weld stud' and 'weldable structure'). A recess is provided in the supporting face of the base member in order to provide an alignment and/or attachment means for coupling the shank to the base member.

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Bregenzer et al. fail to disclose expressly, a two-piece base member having its shank disposed within a recess formed on the supporting face of a fastener. Accordingly, the rejection of claims 1-7, 10-13, 16-23, 26, and 29 under 35 U.S.C. 102(b) as being anticipated by Bregenzer et al. is moot. New grounds of rejection (necessitated by amendment) appear to the record below.

[9] Claims 1-3, 5-7, and 9-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Irimeis US-5,493,833. Applicant's arguments filed on 21 February 2005 with regard to the Irimeis reference have been fully considered, but they are not persuasive.

Irimeis shows a symmetrical fastener (10) having base member (14) that is between 3 mm and 10 mm in height (Col 5 line 11 \approx 9.5 mm), including a web portion (24), a shank (12), a supporting face (top of 24 towards shaft), a generally annular fastening face (annular edge of 14 away from shaft), and all of the limitations of the claims above. Irimeis anticipates the fastening face to have an area less than 80% and 65% of the supporting face area, and that the abutting face can have an area smaller than 40% of the supporting face area (Col 4 lines 62-66). The fastener has at least one radially extending raised portion on the shank (22), which may provide the means for fixing a flat component as stated in claim 12.

The structure taught by Irimeis can be used in similar panel applications with sufficiently the same function. Although the fastener taught by Irimeis is used in a different manner, the structure directed to these claims is anticipated.

As currently amended, Irimeis no longer anticipates a base member having a recess on the supporting face that receives a separate shank. Accordingly, the rejection of claims 1-3, 5-7, and 9-13 under 35 U.S.C. 102(b) as being anticipated by Irimeis is moot. New grounds of rejection (necessitated by amendment) appear to the record below.

New Grounds of Rejection

Claim Rejections - 35 USC § 103

[10] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[11] Claims 1-13, 16-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bregenzer et al. GB patent application 2,065,011 A.

Bregenzer et al. teach a base member (20) having a supporting face (top flange area of 20), a fastening face (26), and a shank (10). The base is annular, and the fastening face has a surface area smaller than the supporting face.

However, Bregenzer et al. fail to disclose expressly, a two-piece base member having its shank disposed within a recess formed on the supporting face of a fastener.

At the time of invention, it would have been obvious to one having an ordinary skill in the art, to make the fastener taught by Bregenzer et al. a two piece fastener (shank and base) welded together, as it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Further, MPEP § 2144.04 states: In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose."). The term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte* (CCPA) 157 U.S.P.Q. 326. The term is not necessarily restricted to a one-piece article. *In re Kohno* (CCPA) 157 U.S.P.Q. 275. It may be construed as relatively broad. *In re Dike* (CCPA) 157 U.S.P.Q. 581. Although two elements may not structurally integral, so long as they are rigidly secured, they are "integral" in a functional sense. *In re Clark* (CCPA) 102 USPQ 241. In the instant case, the shank taught by Bregenzer et al. is integral with the base member via welding.

The fact that the shank is made integral with the base member via a jointing process (e.g., 'welding') is not important, as the determination of patentability in a product-by-process claim is

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based on the product itself, even though the claim may be limited and defined by the process. That is, the product in such a claim is unpatentable if it is the same as or obvious from the product of the prior art, even if the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Fed. Cir. 1985). A product-by-process limitation adds no patentable distinction to the claim, and is unpatentable if the claimed product is the same as a product of the prior art. A comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. *In re Fessman*, 489 F2d 742, 180 USPQ 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. *In re Klug*, 333 F.2d 905, 142 USPQ 161 (CCPA 1964). In an ex parte case, product by process claims are not construed as being limited to the product formed by the specific process recited. *In re Hirao et al.*, 535 F.2d 67, 190 USPQ 15, see footnote 3 (CCPA 1976). In the instant case, jointing a separate shank to the base member via a welding process or the like, would be an alternative manufacturing process to forming the fastener in a single unitary piece. It would be readily understood and appreciated by those of ordinary skill in the art, that a recess in the supporting face would provide a temporary holding and alignment feature for the separate shank prior to a jointing process such as welding. If it were found desirable to manufacture the fastener taught by Bregenzer et al. as a two-piece article (e.g., in order to eliminate material waste of machining down larger bar stock from the outer dimension of the base member to the outer dimension of the shaft), then it would be obvious to make the part two-piece as a matter of obvious design choice. A two-piece article would enable the shank to be machined from a smaller bar stock (cut threads only) than the base member, and would therefore save material waste as well as machine time, tool wear, and operator cost per piece part. The examiner takes official notice to this design choice statement as having worked in a Black and Decker cost-reduction manufacturing group, which commonly re-designed one-piece parts with modular elements in order to reduce material and production costs. See also, Figure 'g' of EP 1060826, which shows a similar one-piece structure that could be manufactured as a two-piece part as a matter of obvious design choice..

As for Claim 2, the fastener is rotationally symmetrical about the axis.

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As for Claim 3, the annular fastening face (26) has an internal and external diameter; said external diameter is equal to the diameter of the supporting face (top flange area of 20).

As for Claim 4, the fastening face is polygonal, as it comprises a triangular structure (Pg 2 lines 26-27). The triangular structure (28) in the instant case would be seen in a cross-sectional view.

As for Claim 7, the height of the base member is expected to be 3 mm (Pg 2 line 47), not including the extra 0.6 mm for the annular weldment (28). Heights of various dimensions are expected, as the reference cites size proportions instead of in measurable length units (Pg. 2 lines 24-25).

As for Claims 1-13, 16-23, and 25-29, the supporting face is of sufficient size to allow the stable arrangement of a flat component. The ratio of fastening face area to supporting face area is visually shown to be approximately 23% and 43% in Figures 6 and 7, respectively. These ratios are less than the claimed 65% and 80% limitations. Bregenzer et al. also disclose that variations in size due to design are possible, and therefore list dimensions in the form of proportions (Pg 2 lines 22-25). Note that those of ordinary skill in the art would appreciate that a modification such as a mere change in size of a component would be obvious. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). See also, MPEP § 2144.04 which states: *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) ("mere scaling up of a prior art process capable of being scaled up, if such were the case, would not establish patentability in a claim to an old process so scaled." 531 F.2d at 1053, 189 USPQ at 148.). In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

As for Claim 20, a laterally enlarged head (20) extends from an elongated shank (10); said head having: an annular section (28) extending from the head (20) in a direction away from the shank, a flat fastening face (26), and an aperture.

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As for Claims 12, 13, and 17, the shank (10) has means for fixing a flat component, which includes but is not limited to screw threads, which are raised portions (Pg 1 lines 56-58).

As for Claims 10, 11, 21, and 22, the abutting face is less than 50%, and less than 40% of the supporting face (Pg 2 lines 22-23). Bregenzer et al. teach the base member to have as low as 6%, if the base member diameter is four times the shank diameter.

As for Claim 16, Bregenzer et al. teach an annular weldment (28) disposed between and coupling the weldable fastener to the structure.

[12] Claim 4 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Bregenzer et al. GB patent application 2,065,011 in view of Bartels US-Patent Pub 2002/0048498 A1.

Bregenzer et al. teach within an obvious scope, all of the limitations described above, and disclosed in the instant claim 1. Further, Bregenzer et al. teach that "by changing the geometric form...all handicaps [of the prior art] can be eliminated" (Pg 2 lines 41-42), and that the base portion is "ring shaped" (Pg 3 line 10). The fastening surface is shown to comprise a polygonal portion (28).

However, Bregenzer et al. fail to disclose expressly the base member to comprise a polygonal outer periphery.

Bartels teaches a base member (12) welded to a carrier member (10), having a supporting face adapted to carry a component (26). The periphery of this base member (12) is of polygonal shape.

At the time of invention, it would have been obvious to one of ordinary skill in the art, to modify the base member periphery taught by Bregenzer et al., to comprise the polygonal shape taught by Bartels, in order to: 1) facilitate an applied torque to the base member prior to or after welding (e.g., for use with a wrench), 2) create a mounting surface that resists rotation (i.e., 'anti-rotational means') with respect to a flat component having a mating polygonal aperture or recess, 3) provide a greater surface area for a stronger weld, 4) exhibit an aesthetically pleasing form resembling a common nut, and/or 5) enable non-rotation and alignment of the fastener when placed in a hopper, feeding tube, magazine, or feeding mechanism.

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[13] Claims 1-13, 16-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwiete DE 19811532 A1.

Schwiete teaches a fastener having a weldable fastening face (5,15), supporting face (3) configured to support a component, and a shank (6,8) that is arranged in a recess (2) defined on the supporting face (3). The supporting face (3) has a larger surface area than the fastening face (5,15), and the fastener is rotationally symmetrical. The external diameter of the fastening face (5,15) is equal to the supporting face. The bottom edge (15) of the fastening face (5,15) is shown in the figures to be less than 80% and 65% of the supporting face surface area (3). Note that it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. See also, *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). In the instant case, the shank taught by Schwiete may be inserted from the top to secure a component, yielding a structure disclosed by Applicant. This method is best seen in Figures 4 and 5 of DE 29518398 U1.

As for Claim 4, a polygonal periphery for the base member would be an obvious aesthetic design choice to resemble a common nut. See also, Bartels US-Patent Pub 2002/0048498 A1.

As for Claim 7, those of ordinary skill in the art would appreciate that a modification such as a mere change in size of a component would be obvious. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). See also, MPEP § 2144.04 which states: *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) ("mere scaling up of a prior art process capable of being scaled up, if such were the case, would not establish patentability in a claim to an old process so scaled." 531 F.2d at 1053, 189 USPQ at 148.). In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

As for Claim 8, the fastener is of modular construction, as it comprises multiple parts (base member 5 and shank 6,8).

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As for Claim 9, a means (2) is provided for positioning the shank (6,8). The determination of patentability in a product-by-process claim is based on the product itself, even though the claim may be limited and defined by the process. That is, the product in such a claim is unpatentable if it is the same as or obvious from the product of the prior art, even if the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Fed. Cir. 1985). A product-by-process limitation adds no patentable distinction to the claim, and is unpatentable if the claimed product is the same as a product of the prior art. A comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. *In re Fessman*, 489 F2d 742, 180 USPQ 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. *In re Klug*, 333 F.2d 905, 142 USPQ 161 (CCPA 1964). In an ex parte case, product by process claims are not construed as being limited to the product formed by the specific process recited. *In re Hirao et al.*, 535 F.2d 67, 190 USPQ 15, see footnote 3 (CCPA 1976). In the instant case, a jointing technique such as welding does not impart a patentable distinction from the prior art.

As for claims 10, 11, 27, and 28, Schwiete shows an abutting face (9) having a surface area of less than both 40% and 50% of the supporting face (3).

As for Claim 12, the shank (6,8) has a retaining feature (7) that would positively retain a component between the retaining feature (7) and supporting face (3).

As for Claims 13 and 17, the shank has thread (14).

As for Claim 20, the fastening face (15) taught by Schwiete may be construed as being 'substantially' flat.

As for Claim 26, the bottom end of fastening face (15) can be considered an annular weldment configured to couple the weldable fastener (5) to a carrier (16). Schwiete fails to disclose a 'component having generally planar coupling surface'; however, it would not be unobvious to use the shank and of the weldable fastener in a rearranged/reversed manner so as to couple a component between the head (7) of the shank (6,8) and the supporting face (3). For example, US-5,579,986 to Sherry et al. (Figure1-6) teaches the well-known method of placing a planar component (27) over a threaded weld stud shank (15), and providing a retaining feature

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(12) to hold captive the component (27) between the retaining feature (12) and the supporting face (upper 13) of a base member (13).

As for Claim 29, the supporting face (3) is large enough to allow a stable arrangement of a flat component, and the shank (6,8) is co-axial with the supporting face.

Conclusion

[14] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

[15] Certified English translations of priority document DE 101 31 510.4 have not been provided to perfect the 02 July 2001 date.

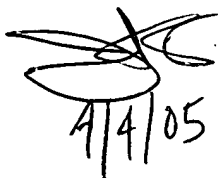
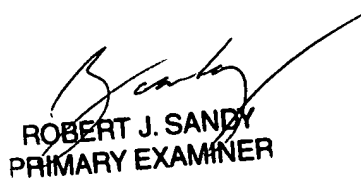
[16] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached on 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS

A handwritten signature, possibly "JAS", is written over the printed name "JAS". Below the signature, the date "4/4/05" is handwritten.A handwritten signature, possibly "Robert J. Sandy", is written over the printed name "ROBERT J. SANDY". Below the signature, the title "PRIMARY EXAMINER" is printed.

Christopher M. Brock - (248 641-1600) Harness, Dickey & Pierce, P.L.C.

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FIG. 1

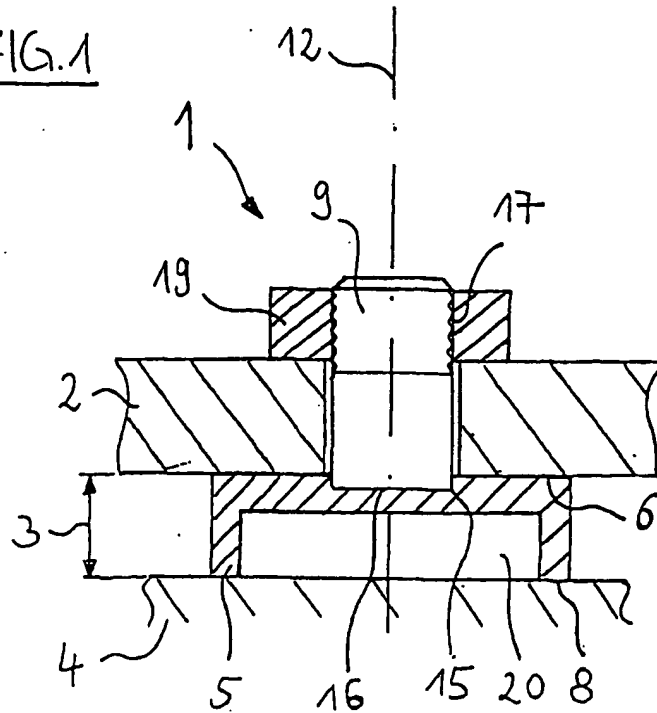
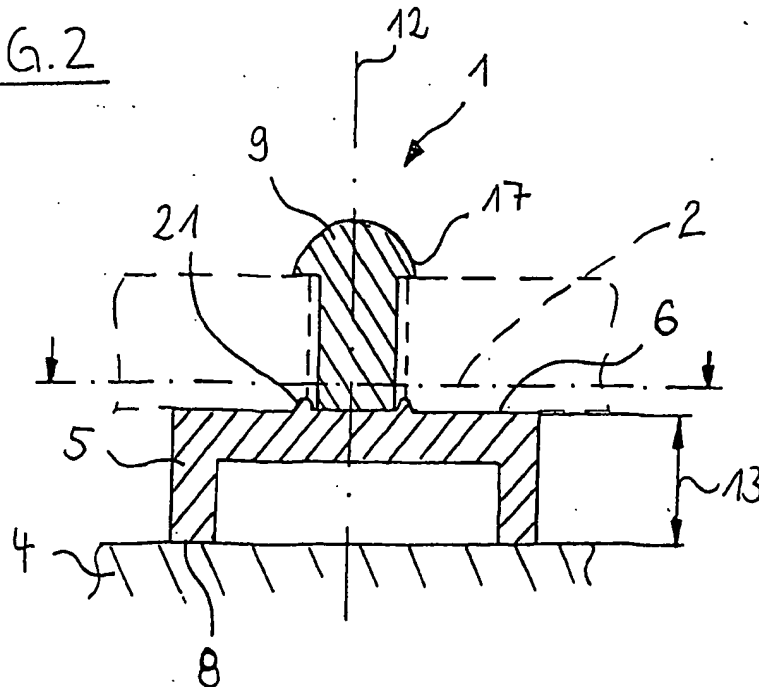


FIG. 2



-- ENTERED BY EXAMINER --
APPROVED 3/31/05 ~~SS~~ SS.

Fig. 3

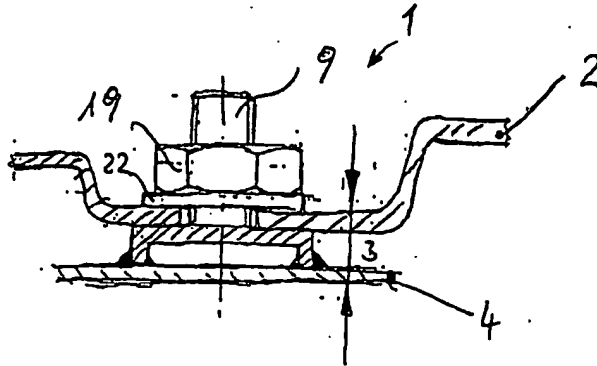
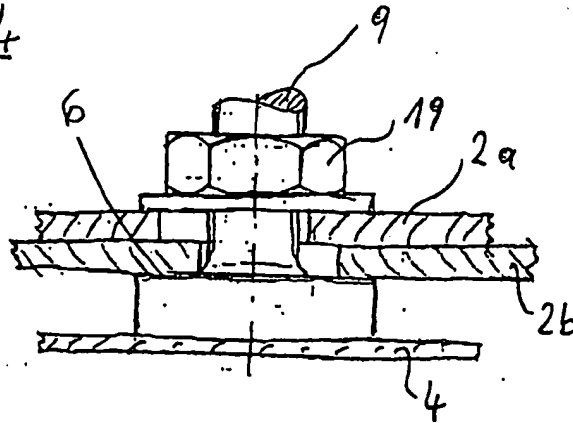


Fig. 4



-- ENTERED BY EXAMINER --
APPROVED 3/31/05

AMENDMENTS TO THE SPECIFICATIONS

Please replace Paragraph [0006] with the following paragraph rewritten in amendment format:

[0006] The problem is solved by a fastener with the features of claim 1 and a method of making it according to the features of claim 13 or 14. ~~A use is also stated in the features of claim 15. Other advantageous~~ Advantageous embodiments of the invention which may be used singly or in combination are the subject of the respectively appended claims.

Please replace Paragraph [0007] with the following paragraph rewritten in amendment format:

[0007] The fastener according to the invention, particularly for fixing at least one flat component to a carrier member particularly with a definable or defined spacing, comprises a base member which has a supporting face and a fastening face, and a shank which may be arranged on the supporting face of the base member and is suitable for fixing the flat component. The fastener is ~~characterised~~ characterized in that the fastening face is smaller than the supporting face. The supporting face enables the flat component to lie against a relatively large face, which is advantageous particularly for thin metal sheets and does not necessarily exclude the mounting of components with offset holes.

-- Approved By Examiner --
Rtg 5/31/05

-- APPROVED BY EXAMINER --
3/31/05

Please replace Paragraph [0035] with the following paragraph rewritten in amendment format:

[0035] Fig. 1 is a sectional view of a first embodiment of a fastener 1 particularly adapted for fixing a flat, for example thick-walled, component 2 at a spacing 3 from a carrier member 4. The fastener 1 comprises a base member 5 with a supporting face 6 and a fastening face 8. It further comprises a shank 9 arranged on the supporting face 6 of the base member 5 and serving to fix the flat component. In the embodiment illustrated the fastener 1 has a supporting face 6 which is rotationally symmetrical. The fastening face 8 is smaller than the ~~bearing-supporting~~ face 6. An annular form of the face 8 is shown in Fig. 1; this shape results in the formation of a cavity 20 internal the base member 5. The fastening face 8 is less than 65% of the supporting face 6.

Please replace Paragraph [0037] with the following paragraph rewritten in amendment format:

[0037] Fig. 2 shows an alternative embodiment of the fastener 1 according to the invention. In its mounted state the base member 5 is again connected to the carrier member 4 by the fastening face 8 by a jointing technique, particularly welding. The height 13 of the base member ~~45-5~~ also defines the spacing 3 which is kept between, for example, a refractory wall 2 shown in broken lines and the carrier member 4. To facilitate the positioning of the shank 9 coaxially with the base member 5 the supporting face 6 of the latter has an edge 21 substantially corresponding to the external contour of

the shank 9. At the side remote from the base member 5 the shank 9 has a raised portion 17 which is shaped so that the flat component shown in broken lines is pressed against the supporting face 6 of the base member 5 and thus fixed. The raised portion 17 extends radially outwards and is peripheral, ensuring uniform introduction of force into the parts of the flat component in contact with it.

-- APPROVED BY EXAMINER --
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[Signature]